

HOUSE BILL 332

By Tidwell

AN ACT to amend Tennessee Code Annotated, Section 68-221-409, relative to subsurface sewage disposal systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-221-409, is amended by deleting subsections (b), (c), and (d) in their entirety; by substituting instead the following language as new subsections (b) and (c); and by redesignating the present subsections (e) and (f) as subsections (d) and (e), respectively:

(b)

(1) Subject to the limitations of subdivisions (2) and (3), to be eligible for approval by the department pursuant to this part as a soil consultant or a soil scientist, or a person who may perform a percolation test, or for a permit as an installer of subsurface sewage disposal systems, the person shall file with the commissioner a performance bond, or an irrevocable letter of credit, in the amount of thirty thousand dollars (\$30,000), for the benefit of any person who hires the soil consultant, soil scientist, percolation tester or installer and is damaged because of any negligence or fraud by the soil consultant, soil scientist, percolation tester or installer. Any person so damaged may sue directly on the bond without assignment of the bond. Liability under any such bond may not exceed, in the aggregate, the amount of the bond. If the bond ceases to be in effect, the approval of the soil consultant, soil scientist, or percolation tester or the permit of the installer shall become null and void, subject to reinstatement, if a new bond is provided.

(2) An installer of subsurface sewage disposal systems shall only be subject to the provisions of subdivision (1) if the permit of such installer is suspended or revoked

after January 1, 2006, or if the department denies an application for renewal of a permit after January 1, 2006, and the permit is later reinstated or the installer is later issued a new permit.

(3) A soil consultant, soil scientist, or percolation tester shall only be subject to the provisions of subdivision (1) if the approval of the soil consultant, soil scientist, or percolation tester is suspended, revoked, or otherwise rendered null and void after January 1, 2007, and such approval is later reinstated.

(c) The provisions of subsection (b) shall not apply to state licensed professional engineers or registered engineer interns.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.